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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,651	03/31/2005	Maik Kindermann	2005-0427A	2263
513 7590 10/31/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
BERCH, MARK L				
ART UNIT		PAPER NUMBER		
1624				
MAIL DATE		DELIVERY MODE		
10/31/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### DETAILED ACTION

The amendment filed 10/20/2008 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: The proposed amendment raises new issues that would require further consideration and/or search.

Some of the new items listed for the moiety choices are not in fact moieties. An amine is a molecule. Avidin is a molecule, as is "a propiolic acid derivative." Further, what is that last item? Propiolic acid, or acetylene mono-carboxylic acid, is  $\text{HC}\equiv\text{CCOOH}$ . Thus, a propiolic acid derivative would be  $\text{A-C}\equiv\text{CC(O)Q}$ , where A and Q would be undefined. What are these? And further, how would this attach --- via the A, or via the Q?

In claim 28, the new language of --- extending the linker R4' --- does not make sense. While R4 was a linker (it links R3 and L), R4' is not a linker: it's a terminal group.

Claim 28 now requires that all protective groups be removed. Where is that concept in the specification?

There may be other problems as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Mark L. Berch/ whose telephone number is 571-272-0663. The examiner can normally be reached on M-F 7:15 - 3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on (571)272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark L. Berch/  
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Art Unit 1624

11/1/2008